

DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES

FILED
DISTRICT COURT OF GUAM

DEC - 9 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-05-00070

DATE: December 7, 2005

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding

Law Clerk: J. HATTORI

Court Recorder & Courtroom Deputy: Leilani Toves Hernandez

Electronically Recorded - RUN TIME: 10:51:56 - 11:03:14

CSO: N. Edrosa

***** APPEARANCES *****

DEFT: KANYA ALEXANDER DAILEY

ATTY: ALEX MODABER

(X) PRESENT (X) CUSTODY () BOND () P.R.

(X) PRESENT () RETAINED (X) FPD () CJA APPOINTED

U.S. ATTORNEY: STEVE CHIAPPETTA

AGENT:

U.S. PROBATION: CARMEN O'MALLAN

U.S. MARSHAL: J. CURRY / W. GRAY

PROCEEDINGS:

- CONTINUED ORDER TO SHOW CAUSE WHY PRETRIAL RELEASE CONDITIONS
SHOULD NOT BE REVOKED

() ALLEGATIONS STATED BY THE COURT
() ARGUMENT BY THE GOVERNMENT/() GOVERNMENT SETS FORTH THE FACTS OF
THE VIOLATIONS
() ARGUMENT BY THE DEFENDANT
() DEFENDANT ADMITS TO ALL THE ALLEGATIONS
() DEFENDANT DENIES THE ALLEGATIONS
() DEFENDANT ADMITS TO THE FOLLOWING ALLEGATIONS: _____

() COURT FINDS THAT THE DEFENDANT DID VIOLATE CONDITIONS OF PROBATION
() CONDITIONS MODIFIED
() PROCEEDINGS CONTINUED TO: _____
() DEFENDANT SHALL BE ALLOWED TO SELF-SURRENDER TO THE U.S. MARSHAL
SERVICE PENDING DESIGNATION FROM THE U.S. BUREAU OF PRISONS.
() DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL

(X) NOTES:

The Court set trial for January 18, 2006 at 9:30 a.m.. Trial Order executed. Based on the report from the Probation Officer, Defense had an objection to the alcohol testing condition. The Court Ordered that the random testing to be no more than three tests per month.

The Court released the defendant and admonished him to abide by his release conditions (see attached release conditions).

Courtroom Deputy: Leilani Toves Hernandez

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community.

IT IS FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

(Name of person or organization) _____

(Address) _____

(City and state) _____

(Tel. No.) _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy _____ Date _____

() (7) The defendant shall:

(X) (a) report to the US Pretrial Services Office _____,

telephone number 473-9201, not later than as directed _____.

() (b) execute a bond or an agreement to forfeit upon failing to appear as required the following sum of money or designated property:

() (c) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described

() (d) execute a bail bond with solvent sureties in the amount of \$ _____.

(X) (e) maintain or actively seek employment.

() (f) maintain or commence an education program.

(X) (g) surrender any passport to: Clerk, District Court of Guam

(X) (h) obtain no passport.

(X) (i) abide by the following restrictions on personal association, place of abode, or travel:
not leave the District of Guam without the permission of the Court.

() (j) avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:

() (k) undergo medical or psychiatric treatment and/or remain in an institution as follows:

() (l) return to custody each (week) day as of _____ o'clock after being released each (week) day as of _____ o'clock for employment, schooling, or the following limited purpose(s):

() (m) maintain residence at a halfway house or community corrections center, as deemed necessary by the pretrial services office or supervising officer.

() (n) refrain from possessing a firearm, destructive device, or other dangerous weapons.

(X) (o) refrain from (X) any () excessive use of alcohol.

() (p) refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(X) (q) submit to any method of testing required by the pretrial services office or the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. (no more than 3 alcohol tests per month)

() (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the pretrial services office or supervising officer.

(X) (s) refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.

() (t) participate in one of the following home confinement program components and abide by all the requirements of the program which () will or () will not include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.

() (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer; or

() (iii) **Home Incarceration.** You are restricted to your residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the pretrial services office or supervising officer.

(X) (u) report as soon as possible, to the pretrial services office or supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

() (v) _____

(X) (w) Remain at a fixed address.

() (x) _____